

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANTHONY J. COSTA, JR.  
[FD-8521]

v.

DAVID W. PITKINS, et al.

CIVIL ACTION

NO. 09-4882

~~FILED~~  
~~U.S. DISTRICT COURT~~  
~~EASTERN DISTRICT OF PENNSYLVANIA~~  
~~PHILADELPHIA~~  
~~SEP 22 2010~~  
~~By MICHAEL K. KIRK, Clerk~~  
~~By [Signature] Deputy Clerk~~

**ORDER**

AND NOW, this

14

day of

Oct

, 2010, upon

consideration of the pleadings and the record herein, and after review of the Report and  
*and objections filed*  
Recommendation of M. Faith Angell, United States Magistrate Judge, it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED AND ADOPTED**.
2. The Petition for Writ of Habeas Corpus is **DISMISSED WITHOUT PREJUDICE FOR FAILURE TO EXHAUST STATE COURT REMEDIES**.

There is no probable cause to issue a certificate of appealability.

BY THE COURT:

*[Signature]*

BERLE M. SCHILLER, J.